

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER

ASHTON HUGHES, JOSHUA VANDUSEN, )  
SHANNON HELMERS, and )  
CHARLES DODSON, )

Plaintiffs, )

v. )

DENISE JACKSON and RVSHARE, LLC, )

Defendants. )

4:19-CV-28

Judge Curtis L. Collier

DENISE JACKSON, )

Counter-Plaintiff, )

Magistrate Susan K. Lee

v. )

ASHTON HUGHES, )

Counter-Defendant. )

**SCHEDULING ORDER**

1. **Introduction:** Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a scheduling conference was held in this cause on **October 17, 2019**.
2. **Jurisdiction:** The subject matter jurisdiction of the Court has been invoked pursuant to **18 U.S.C. § 1332** and **is** in dispute based on a contractual forum-selection clause. Defendant shall file any motion asserting the forum-selection clause on or before **November 18, 2019**. Plaintiff shall respond on or before **December 10, 2019**. Defendant may reply on or before **December 20, 2019**.
3. **Consent to Magistrate Judge:** The parties **do not** consent that all proceedings in this case may be conducted by a United States Magistrate Judge in accordance with 28 U.S.C. § 636(c).
4. **Settlement/Alternative Dispute Resolution:** The possibility of settlement is **unknown** at this time.

5. **Disclosure and Discovery:**

- (a) **Fed. R. Civ. P. 26(f) Meeting:** The parties will hold a discovery planning meeting as required by Rule 26(f) on **October 30, 2019 at 3:00 p.m. Eastern time**. The location of this meeting will be **by telephone conference initiated by Plaintiff**.
- (b) **Discovery Plan:** At the Rule 26(f) meeting, the parties shall develop a discovery plan and file it with the Court within **fourteen (14) days** after said meeting. This discovery plan shall conform to the provisions of Fed. R. Civ. P. 26(f).
- (c) **Initial Disclosures:** The parties shall make all disclosures required by Rule 26(a)(1) on or before **December 5, 2019**.
- (d) **Expert Testimony:** Disclosure of any expert testimony in accordance with Rule 26(a)(2) shall be made by Plaintiff by **August 13, 2020**, and Defendant by **September 30, 2020**.

If either party believes a *Daubert* hearing may be necessary to determine the admissibility of expert testimony, the party shall file a motion to that effect **in sufficient time so as not to delay trial**.

- (e) **Final Witness List:** On or before **October 23, 2020**, the parties shall provide to all other parties a final witness list in accordance with Rule 26(a)(3)(A)(i). Within **seven (7) days** after service of this final witness list, the list may be supplemented. After that time the list may be supplemented only with leave of the Court and for good cause.
- (f) **All Discovery:** All discovery, including the taking of depositions “for evidence” and requests for admissions, shall be completed by **December 18, 2020**.
- (g) **Pretrial Disclosures:** On or before **April 15, 2021**, the parties shall make the pretrial disclosures specified in Rule 26(a)(3)(A)(ii) and (iii) (deposition testimony and exhibit list). All deposition testimony to be offered into evidence must be disclosed to all other parties on or before this date.
- (h) **Courtroom Technology:** Your trial will be conducted with all exhibits in electronic format with use of the Jury Evidence Recording System (JERS). Paper documents should not be used. At least **seven (7) days** before the final pretrial conference, the parties shall disclose, to one another and to the Court, technology they intend to use in the courtroom during the trial and how they intend to use it (e.g., display equipment; data storage, retrieval, or presentation devices). This disclosure shall list (1) equipment they intend to bring into the courtroom to use, and (2) equipment supplied by the Court the parties intend to use. Further, the parties shall disclose to one another the content of their electronic or digital materials, and shall confirm the compatibility and viability of their planned use of

technology with the Court's equipment on or before the date of the final pretrial conference. In order to best facilitate presentation of evidence at trial, parties are strongly encouraged to provide their exhibits to the courtroom deputy on the date of the final pretrial conference, or at least **seven (7) days** prior to trial. Information on JERS, specific requirements, and equipment supplied by the Court is available on the Eastern District of Tennessee website ([www.tned.uscourts.gov](http://www.tned.uscourts.gov)). Specific questions about Court-supplied equipment should be directed to the courtroom deputy (directory available on website).

**6. Other Scheduling Matters:**

- (a) **Inspection of Vehicle and Comparative Fault Allegations:** The parties shall conclude inspection of the subject vehicle by **December 17, 2019**. Defendants shall assert any comparative fault allegations by **January 31, 2020**.
- (b) **Joinder of Parties and Amendment of Pleadings:** If any party wishes to join one or more additional parties or amend the pleadings, such joinder or motion to amend shall be made by **February 28, 2020**.
- (c) **Dispositive Motions:** All dispositive motions under Rule 12 and all motions for summary judgment pursuant to Rule 56 shall be filed as soon as possible, but no later than **February 18, 2021**. The failure to timely file such motions will be grounds to summarily deny them.
- (d) **Motions in Limine:** Any motions in limine must be filed no later than **April 22, 2021**.
- (e) **Special Requests to Instruct for Jury Trial:** Requests for jury instructions shall be submitted to the Court pursuant to Local Rule 51.1 no later than **April 15, 2021**, and shall be supported by citations of authority pursuant to Local Rule 7.4. A copy of the prepared jury instructions shall be filed with the Court and sent as a Microsoft Word document or in a compatible format to **collier\_chambers@tned.uscourts.gov**.

The parties shall confer and submit joint proposed jury instructions to the extent possible. Before submitting proposed instructions to the Court, the parties must attempt to resolve any disagreements. All proposed jury instructions must follow the form of the Sixth Circuit Criminal Pattern Jury Instructions.

- 7. Final Pretrial Conference:** A final pretrial conference will be held in chambers on **Thursday, April 29, 2021, at 4:00 p.m.** The parties shall prepare and submit a proposed final pretrial order to the Court no later than **one business day** before the date of the final pretrial conference. A sample copy of the final pretrial order is located on the district court's web page at **www.tned.uscourts.gov**.

8. **Trial:** The trial of this case will be held in Chattanooga before the United States District Judge **and a jury** beginning on **May 10, 2021**. The trial is expected to last **eight days**. The parties shall be prepared to commence trial at **9:00 a.m.** on the date which has been assigned. If this case is not heard immediately, it will be held in line until the following day or anytime during the week of the scheduled trial date.

**Should the scheduled trial date change for any reason, the other dates contained in this order shall remain as scheduled. Should the parties desire a change in any of the other dates, they should notify the Court by motion and seek an order changing those dates.**

**SO ORDERED.**

**ENTER:**

**/s/**  
**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**